

REMARKS

This Supplemental Amendment is being submitted to correct an antecedent basis issue with respect to the re-joined claims, and to comment on U.S. Patent No. 5,647,800 which was submitted with the IDS filed February 6, 2006.

The claim amendments above include all of the amendments submitted in the response dated February 6, 2006, as well as further clarifications to claims 1 and 2. Claims 3, 4, 5 and 8 which were requested to be rejoined, have been amended for purposes of clarity. The amendment of claim 2 to recite a "first ball cage" necessitated correction to the "ball cage" referenced in claims 3, 4, 5 and 8. The amendment of claim 1 to recite that "the first ball cage includes an inner cylindrical guiding face in which the inner joint part is held radially" necessitated striking redundant language from claims 2, 3, 4 and 5.

Information Disclosure Statement

In the response dated February 6, 2006, Applicants submitted another copy of GB 2,319,584 which was indicated as not being received by the Patent Office; and identified U.S. Patent No. 5,647,800 (Warnke) to replace the related reference, DE 4228230.

Applicants submit that the claims, as presently amended, distinguish over the art of record, including the Warnke reference because Warnke does not disclose a fixed joint having Applicants' claimed first ball cage including an inner cylindrical guiding face. Thus, Warnke substantially differs from the present claims.

To the extent Warnke discloses a cross-groove plunging configuration, it is conventional and, in this respect, does not differ from the art of record. For example, Figure 3 of Warnke is conventional, in the same way the Ingalsbe reference discloses a conventional VL plunging joint. Applicants submit, as before, that it would not have been obvious to a person of skill in the art to include a plunging joint in a driveshaft having a plunging unit. Applicants therefore submit that without using the claimed invention as a template for modifying the prior art, the Warnke reference cannot support the obviousness rejections. *ACS Hosp. Sys., Inc. v. Montefiore Hosp.*, 732 F.2d 1572, 1577 (Fed. Cir. 1984) ("It is impermissible to use the patent itself as the source of suggestion."); *Ex Parte Levengood*, 28 USPQ2d 1300-1301, 1302 (BPAI 1993) ("That

which is within the capabilities of one skilled in the art is not synonymous with obviousness.”).

Further, if Warnke is viewed as different from a conventional plunging cross-groove joint, it still substantially differs from the claimed assembly. The Warnke reference clearly sets forth that to make a conventional cross-groove joint, the inner surface 17 of the outer joint part (Figures 1 and 2) should not be machined spherical (Col. 5, lines 33-36). Similarly, to permit plunge, the outer surface 33 of the inner joint part should not be machined to be spherical (Col. 5, lines 43-46). Neither embodiment, however, suggests Applicants’ claimed feature wherein the first ball cage includes an inner cylindrical guiding face in which the inner joint part is held radially. Thus, Warnke and the prior art of record fail to disclose or suggest each and every limitation of the present claims. They also fail to address any of the problems to which the present disclosure is directed.

CONCLUSION

The response submitted February 6, 2006 and this Supplemental response overcome all of the objections and rejections set forth in the Office Action dated August 5, 2005, and place the application in a condition for allowance. Accordingly, a Notice of Allowance indicating the allowability of claims 1-17 should be issued. The Examiner is invited to telephone the Applicants’ undersigned attorney, Robert P. Renke at (248) 223-9500 if any unresolved matters remain with respect to this Response.

Respectfully submitted,

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